

Montana Department of Natural Resources and Conservation  
Water Resources Division  
Water Rights Bureau

**ENVIRONMENTAL ASSESSMENT**  
**For Routine Actions with Limited Environmental Impact**

Note: Instructions to DNRC staff for preparing this EA can be found at:  
[http://www.dnrc.state.mt.us/eis\\_ea.html](http://www.dnrc.state.mt.us/eis_ea.html)

**Part I. Proposed Action Description**

1. Applicant/Contact name and address: **JOHN & KATHERINE RAMIREZ  
2245 HEAD LN  
HELENA, MT 59602**
2. Type of action: **Application to Change a Water Right 41I-30023254  
(Statement of Claim 41I-120964)**
3. Water source name: **Sevenmile Creek**
4. Location affected by action: **Sec 10, Twp 10N, Rge 4W & NW Sec 14, Twp 10N,  
Rge 4W, Lewis and Clark Co.**
5. Narrative summary of the proposed project, purpose, action to be taken, and objectives:  
**The applicant is requesting to change the purpose and place of use of part of water right 41I-120964 to augment Sevenmile Creek. This change is to mitigate possible surface water depletion of a proposed appropriation requested in Application for Beneficial Water Use Permit No. 41I-30016557. The proposed change will be for 45.8 gpm up to 29.6 acre-feet per year. The proposed place of use is the reach of Sevenmile Creek from the existing headgate in the NESWNW Sec 10 Twp 10N Rge 4W downstream to the eastern boundary of Sec 10 Twp 10N Rge 4W Lewis and Clark Co.**

**The augmentation is to mitigate a proposed year round appropriation of groundwater at a maximum rate of 72.4 gallons per minute (gpm) and a volume of 39.93 acre-feet (ac-ft) per year (Application for Beneficial Water Use Permit No. 41I-30016557). The proposed groundwater appropriation will be used for domestic, and lawn and garden purposes in the NE Sec 9, Twp 10N, Rge 3W, Lewis and Clark Co. The appropriation will be obtained from two wells completed to a depth of 161 and 201 feet in fractured bedrock. The applicant proposes to allocate 13.1 acre-feet of their requested volume for domestic use at 47 homes, 26.4 acre-feet for 6.1 acres of lawn and garden, and 0.43 acre-feet for fire protection.**

Agencies consulted during preparation of the Environmental Assessment:  
(include agencies with overlapping jurisdiction)

**MT Natural Heritage Program - Species of Concern, T/E  
The Montana Noxious Weed Survey and Mapping System  
MT Dept. of Fish, Wildlife and Parks - Montana Fisheries Information System  
Montana Cultural Resource Information System - SHPO**

## **Part II. Environmental Review**

### **1. Environmental Impact Checklist:**

<b>PHYSICAL ENVIRONMENT</b>
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#### **WATER QUANTITY, QUALITY AND DISTRIBUTION**

**Water quantity** - Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.

Determination: **No significant adverse impact.**

**This proposed project would not affect chronically dewatered streams as identified by DFWP. This change would augment water in Sevenmile Creek.**

**Water quality** - Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.

Determination: **No significant adverse impact.**

**This proposed appropriation would not affect water quality in Sevenmile Creek.**

**Groundwater** - Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.

Determination: **No significant adverse impact.**

**The application is for augmentation to mitigate possible depletions of Sevenmile Creek due to groundwater pumping.**

**DIVERSION WORKS** - Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.

Determination: **No significant adverse impact.**

**The proposed project does not require any diversion works. The water for augmentation will bypass the existing headgate and will remain in Sevenmile Creek.**

#### **UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES**

**Endangered and threatened species** - Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."

Determination: **No significant adverse impact.**

**The MT Natural Heritage Program identified the Brewer's Sparrow, the Wedge-leaved Saltbrush, the Small Yellow Lady's-slipper, and the Lesser Rushy Milkvetch as a species of special concern in the vicinity of the project. The proposed project would have no impact on the habitats of the species of special concern. This application is for augmentation of Sevenmile Creek.**

**Wetlands** - Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.

Determination: **No functional wetlands have been identified.**

**Ponds** - For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.

Determination: **No pond development is involved in this project.**

**GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE** - Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.

Determination: **No significant impact to soil quality, stability, or moisture content. According to the NRCS soil survey the predominant soils within the project area are the Crago gravelly loam and the Crago-Pensore channery loams. This application is for augmentation.**

**VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS** - Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.

Determination: **No significant adverse impact.**

**The vegetative cover on the proposed project area consists of native grasses and small shrubs. The Montana Noxious Weed Survey and Mapping System did not identify any noxious weeds within the project vicinity. However, the applicant's environmental assessment noted a small infestation of Russian Knapweed within the project boundaries and on surrounding properties.**

**There will be no disturbance since the application is for augmentation of flows in Sevenmile Creek.**

**AIR QUALITY** - Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.

Determination: **No significant adverse impact. This application is for augmentation of Sevenmile Creek.**

**HISTORICAL AND ARCHEOLOGICAL SITES** - Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.

Determination: **No significant adverse impact. This application is for augmentation of Sevenmile Creek.**

**DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY** - Assess any other impacts on environmental resources of land, water and energy not already addressed.

Determination: **No additional impacts to environmental resources were identified.**

<b>HUMAN ENVIRONMENT</b>
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**LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS** - Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.

Determination: **No significant adverse impact.**

**ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES** - Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.

Determination: **No significant adverse impact.**

**HUMAN HEALTH** - Assess whether the proposed project impacts on human health.

Determination: **No significant adverse impact.**

**PRIVATE PROPERTY** - Assess whether there are any government regulatory impacts on private property rights.

Yes \_\_\_ No **X**. If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination: **No significant adverse impact.**

**OTHER HUMAN ENVIRONMENTAL ISSUES** - For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.

Impacts on:

- (a) Cultural uniqueness and diversity? **No significant adverse impact.**
- (b) Local and state tax base and tax revenues? **No significant adverse impact.**
- (c) Existing land uses? **No significant adverse impact. The application proposes to change part of an existing irrigation right to augment water in Sevenmile Creek.**
- (d) Quantity and distribution of employment? **No significant adverse impact.**
- (e) Distribution and density of population and housing? **No significant adverse impact.**
- (f) Demands for government services? **No significant adverse impact.**
- (g) Industrial and commercial activity? **No significant adverse impact.**
- (h) Utilities? **No significant adverse impact.**
- (i) Transportation? **No significant adverse impact.**
- (j) Safety? **No significant adverse impact.**
- (k) Other appropriate social and economic circumstances? **No significant adverse impact.**

2. Secondary and cumulative impacts on the physical environment and human population:

Secondary Impacts: **No significant adverse impact. Secondary impacts from the proposed project are not anticipated. The proposed project is for augmentation of Sevenmile Creek.**

Cumulative Impacts: **No significant adverse impact. Cumulative impacts from the proposed project are not anticipated. The proposed project is for augmentation of Sevenmile Creek.**

Describe any mitigation/stipulation measures: **This application is part of an augmentation plan developed to mitigate potential stream depletions from Sevenmile Creek due to two groundwater wells proposed in Application for Beneficial Water Use Permit No. 41I-30016557.**

**This application will go through the DNRC public notice procedure, and water users concerned with potential impacts will be given the opportunity to object to the application. The decision by the DNRC to grant or deny the application would not be made until these review processes are completed.**

3. Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider: **The no action alternative would prevent the applicant from augmenting water to prevent the possible adverse effects to Sevenmile Creek from the proposed subdivision. If the authorization were denied the subdivision application would have to be modified. Individual lot owners would probably have to construct their own wells to be used for domestic and lawn and garden purposes. The result could be a greater potential for an adverse impact to water quality and quantity because of the 47 new wells that would be drilled to service home sites.**

### **PART III. Conclusion**

1. Preferred Alternative: **Issue the permit as applied for by the applicant, or in some modified form considered reasonable. As stated above the potential for adverse affect would seem to be greater with individual new wells being constructed in the area.**
2. Comments and Responses: **There have not been any comments or responses at this time.**
3. Finding:  
Yes ☐ No ☒ **Based on the significance criteria evaluated in this EA, is an EIS required?**

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: **Based on a consideration of the criteria found in DNRC Administrative Rule 36.2.524, "Determining the Significance of Impacts," there is not a sufficient adverse impact. An EA is sufficient for this level of action. The possible impacts from the community water system and wells for the subdivision are not significant adverse impacts and thus do not warrant and EIS.**

Name of person(s) responsible for preparation of EA:

Name: Eric Chase

Title: Water Resources Specialist

Date: 8/2/06